UNITED STATES COURT OF APPEALS
District of Columbia Circuit

James G. Mahorner, an individual and a member of the governed class, P.O. Box 50555 Jacksonville Beach, FL 3240 [sic]-0555, 904-249-0851

Plaintiff,

vs.

George W. Bush, Jr., as President of the United States of America, and individually, 1600 Pennsylvania Ave. Washington, D.C. and **PAUL H. O'NEILL**, as Secretary of the Treasury of the United States of America, and individually,

Defendants. /

September Term, 2002
District No. 1:02CV01530

Appeals Court File No. 02-5335

STATEMENT OF ISSUES TO BE RAISED

1. Whether the intent of the U.S. Constitution, set forth in the Federalist, its debates, the early U.S. Supreme Court decision, and the practice of President Thomas Jefferson's restraint in not proceeding with the War of 1812, even though England was kidnapping our seamen from our ships until a declaration of war was obtained by Congress confirms regardless of later occurrences, after memory of intent had faded, that Congress has the sole undelegable right to initiate war by the judgment of its many members, and that the

initiation of war at the whim of an individual president is constitutionally *ex cathedra.*

2. Whether the standing of Plaintiff is greater than that of the ten congressman who brought a similar suit in this Circuit against then President William Clinton, and were found to be without standing, because Plaintiff, unlike the congressman, is excluded from the government fall-out shelters which offer the only hope of survival during a responsive nuclear attack from a President acting *ex cathedra* as an individual, initiating war by an attack on Red China (European embassy is under U.S. interpretation, international law, and a territorial part of the country to which it belongs). Plaintiff's standing is further emphasized by the fact that government death squads to shoot Plaintiff, should he attempt to obtain access to a fall-out shelter for the survival of himself or other descendants. Such death squads represent no threat to the ten congressman whose survival, as members of the governing class, drastically exceeds the importance of the survival of the governed class, although the congressman have little importance after the nuclear annihilation of the latter class.

3. Whether justiciability is provided by the Federalists, which sets forth as the inducement of the ratification of the U.S. Constitution, that should a member of the governing class act without authority in a manner that threatens the governed class, individuals of the governed class have a right of self-defense against such *ex cathedra* action, if there be available no timely (immediate) remedy available.

4. Whether while it is arguably established by President Andrew Jackson in the State of Georgia's Indian issue that the president can ignore the ruling of the Federal Judiciary, whether such fact does not remove the power of the judiciary to interpret the U.S.

Constitution, so as to afford a reduction in the threat to the citizen of future annihilation created by *ex cathedra* action. Furthermore, in the civil rights cases, the judiciary used the right to declare governor's action unconstitutional pursuant to the *ex cathedra* concept, even though the authority to do so was not otherwise available under the Eleventh Amendment of the U.S Constitution, prohibiting federal suits by citizens against states.

5. Whether because of similarities between the Vatican and Israel, such as each being a sovereign country, designated by God as the site of Catholicism and Judiasm, and each proslytizes other religions in the U.S. by insisting that their members convert to Catholicism to marry a Catholic, or convert to Judiasm to receive the automatic right of citizenship to return to Israel under the religious-state doctrine attached to the complaint, known as the Law of Return, would foreign aid of both religious sites be appropriate under the religious provisions of separation and anti-establishment set forth in the U.S. Constitution?

6. Whether standing as to the Israel issue is provided by Plaintiff being a member of a non-Jewish religious group and by the fact that only the United States, which is the sole provider of substantial financial support to Israel, is attacked by the Semitic Arabs and Muslims.

7. Whether, as told in oral argument to the United States Supreme Court in 1963 by the undersigned, individuals will eventually own nuclear devices and will over rule the courts unless there has been developed a scientific and mathematical methodology, wherein there is equal application of the law, and the development of this scientific methodology is the only hope for the preservation of society.

8. Whether the assertions in the complaint should be taken as true by this court under the Rule that the dismissal of the complaint must be based on the conclusion that even if those assertions therein must be assumed true in determining whether dismissal was proper.

9. Whether the political question doctrine has no application when the issue is an interpretation of the federal Constitution, and Plaintiff's life is threatened, as shown in the assertions on pages 7 and 8 of the complaint, and the fact that those Semities attacked under the anti-Semitic doctrine of Israel have caused far more American civilian deaths than military personnel deaths in the last decade. (Semitic includes Arabs and many other non-Jews before the revision of history in the post-1947 dictionaries.)

10. Whether the agreement that war would be only initiated by declaration of Congress, used to induce ratification of the U.S. Constitution, renders the ratification invalid unless the judiciary undertakes to enforce the agreement by declaring the breach of the agreement unconstitutional.

/s/ _____

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